

### REMARKS

In this preliminary amendment, applicant has amended claims 4, 5, 12, 14 and 16, added claims 20 and 21 and canceled claim 15. Thus, claims 4-7, 12-14, 16-18 and 20-21 remain pending.

#### Rejection of Claims 4-7

In the final rejection of the parent case dated July 18, 2006, the Examiner rejected claims 4-7 under 35 U.S.C. § 102(b) as allegedly being anticipated by Reynolds. The Examiner alleged that Reynolds discloses a device comprising a base (having vertical and horizontal components), legs (5) a rotating handle bar (30) which is slidably attached to the vertical extend of the platform and adapted to allow a patient to stretch through a sliding motion of the handle bar and that Reynolds discloses a patient positioned on the platform.

Applicants traverse this rejection. Applicants disagree that component 30 of Reynolds is a rotatable handle bar that is slidably attached to the platform and adapted to allow the patient to stretch his or her muscles through sliding movement of the handle bar in a direction generally parallel to the surface, as claimed. As described in Reynolds column 5, lines 4-27, component 30 is a side press apparatus. As shown in FIGS. 1 and 8 of Reynolds, the handles 33 of component 30 extend outwardly (see the hidden lines on the left side of FIG. 1 and FIG. 8). Thus, component 30 is not a rotatable handle bar, and, secondly, it does not slide in a direction generally parallel to the surface of the alleged platform. Accordingly, Reynolds does not read on claim 4.

To further distinguish claim 4 over Reynolds, claim 4 has been amended to recite "lying the patient on the platform of

the device." As can be seen in FIGS. 4-6 of Reynolds, the patient sits on the device of Reynolds and cannot lie down.

With respect to claim 5, the Examiner states that "the method of claim 5 is inherent in the use of the rotating element of the handle bar." Applicants disagree. First of all, as discussed above, the alleged handle bar 30 does not rotate. Secondly, claim 5 states "wherein the patient engages in progressively more strenuous exercises by rotating the handle bar to positions that create progressively more strenuous exercise." The device taught in Reynolds does not provide any adjustability that allows the alleged handle bar 30 (or any other handles taught therein, for that matter) to be adjusted to different positions.

Accordingly, it is believed that claim 4 and all claims dependent thereon distinguish over Reynolds.

#### Rejection of Claims 12-14, 16 and 17

In the final rejection of the parent case dated July 18, 2006, the Examiner rejected claims 12-14, 16 and 17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Harmon. The Examiner alleged that Harmon discloses the method of claims 12 and 13 (FIG. 16a) having a platform, wherein the platform allows a user to lie down and grip the handle bar (304) and slide the handle bar away from the platform in a direction generally parallel to the plane of the platform. The Examiner further alleges that the method of using the device is made obvious in view of the combined disclosure of Harmon (col. 3).

Claim 12 has been amended to recite the features of claim 15. Accordingly, claim 12 and all claims dependent thereon distinguish over Harmon.

Rejection of Claims 12 and 15

In the final rejection of the parent case dated July 18, 2006, the Examiner rejected claims 12 and 15 under 35 U.S.C. § 102(b) as allegedly being anticipated by Drath.

Applicants traverse this rejection. Applicants disagree with the Examiner's allegations. However, to further distinguish claim 12 over Drath, claim 12 has been amended to recite "gripping a handle bar at a point above the person's head... [and] sliding the handle bar further above the person's head." Drath does not teach or suggest such a method. Drath is a gluteal muscle apparatus and is not contemplated for being used to stretch the muscles in the chest, shoulder, neck and upper back. In Drath, the user grips the alleged handle bars and then uses their shoulders as a resistance point. Therefore, one skilled in the art would not modify Drath to slide the alleged handle bar further above a person's head.

Accordingly, it is believed that present claim 12 distinguishes over Drath.

CONCLUSION

It is believed that all claims now pending patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

Respectfully submitted,

JEFFER, MANGELS, BUTLER & MARMARO LLP

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By: 

Brennan C. Swain, Esq.  
Reg. No. 43,175  
1900 Avenue of the Stars  
Seventh Floor  
Los Angeles, CA 90067-4308  
(310) 203-8080